



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, September 15, 2010

7:00 PM

Council Chamber

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**20101026      City-County Communications & Marketing Association (3-CMA) First Place National Award to Marietta for exceptional public information delivery**

Recognition of the city of Marietta winning the National First Place Award from the City-County Communications and Marketing Association for best digital interactive public information program in the United States. Matthew Daily, manager of this program, will be presented with the National Award which was recently given at the 3-CMA National Convention.

**Presented**

**20100887      Georgia Chief of the Year**

Recognition by Mayor Steve Tumlin and the City Council of Chief Daniel Flynn winning the "Georgia Chief of the Year" award by the Georgia Association of Chiefs of Police (GACP).

**Presented**

**20100924      Recognition of Fleet Maintenance**

Fleet Equipment Magazine named Marietta's internal program to maintain its vehicles one of the top 100 in the country for the fifth year in a row.

**Presented**

**20100957      Proclamation - Public Power Week**

Rodney Scarbro receives a Proclamation declaring October 10-16, 2010 as the 24th annual Public Power Week in order to celebrate the benefits and contributions of hometown utilities to the community.

**Presented**

**20100958      Proclamation - Clean Water Week**

Ms. Karmen Scarbro receives a Proclamation declaring October 10-16, 2010 as Clean Water Week in the City of Marietta.

**Presented**

**20100973      Proclamation -October 3-9, 2010 as "Smoke Alarms: A sound you can live with!" week**

Proclamation presented to George McKeehan, Marietta Fire Department, declaring the week of October 3-9, 2010, as “Smoke Alarms: A sound you can live with!” that encompasses developing a safety plan to include smoke alarms and residential sprinkler installations and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires.

**Presented**

**\*      20101006      Regular Meeting - August 11, 2010**

Review and approval of the August 11, 2010 regular meeting minutes.

**Approved on the Consent Agenda**

**\*      20101014      Special Meeting - September 8, 2010**

Review and approval of the September 8, 2010 special meeting minutes.

**Approved on the Consent Agenda**

**20100884****Z2010-08 Amrep, Inc. 984 and 990 Industrial Park Drive and 1007 Marietta Industrial Drive**

Z2010-08 [REZONING] AMREP, INC. request rezoning for property located in Land Lots 10000 and 09990, District 16, Parcels 0110, 0120 and 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 984 and 990 Industrial Park Drive and 1007 Marietta Industrial Drive from LI (Light Industrial) to HI (Heavy Industrial), with the following stipulations attached as conditions of zoning:

1. Stipulation letter from Parks F. Huff to Russell J. Roth dated September 7, 2010, including the following change to item #3 of that letter: deleting the phrase at the end of the paragraph that states “as depicted in the site plan.” and replacing it with the phrase “at the direction of staff.”
2. Stipulation letter from Parks F. Huff to Russell J. Roth dated September 15, 2010, including the revision to the list of excluded uses, such that the letter would read: “As an addition to these stipulations, the applicant would agree to exclude the following uses from the proposed HI approval: 1) mining; 2) junk or salvage yard; 3) truck terminal; 4) funeral home; 5) animal hospital; 6) automobile storage yard; 7) automobile repair shop; 8) waste transfer station; and 9) asphalt plants.”. Ward 5.

*Motion to approved the rezoning request, with the following stipulations attached as conditions of zoning:*

*•Stipulation letter from Parks F. Huff to Russell J. Roth dated September 7, 2010, including the following change to item #3 of that letter: deleting the phrase at the end of the paragraph that states “as depicted in the site plan.” and replacing it with the phrase “at the direction of staff.”.*

*•Stipulation letter from Parks F. Huff to Russell J. Roth dated September 15, 2010, including the revision to the list of excluded uses, such that the letter would read: “As an addition to these stipulations, the applicant would agree to exclude the following uses from the proposed HI approval: 1) mining; 2) junk or salvage yard; 3) truck terminal; 4) funeral home; 5) animal hospital; 6) automobile storage yard; 7) automobile repair shop; 8) waste transfer station; and 9) asphalt plants.”*

**Approved as Stipulated**

**20100893            Z2010-09 Fred H. Moore 120 Mountain View Road**

Z2010-09 [REZONING] FRED H. MOORE request rezoning for property located in Land Lot 12240, District 16, Parcel 0360, 2nd Section, Marietta, Cobb County, Georgia and being known as 120 Mountain View Road from R-2 (Single Family Residential 2 units/acre) to R-4 (Single Family Residential 4 units/acre), with the following stipulations attached as conditions of zoning:

1. Any structures built on the property will not include vinyl siding.
2. House plans for any house built on the property will not be a split foyer plan.
3. Houses on both lots will have four-sided architecture.

*Motion to approve the rezoning request, with the following stipulations attached as conditions of zoning:*

- 1. Any structures built on the property will not include vinyl siding.*
- 2. House plans for any house built on the property will not be a split foyer plan.*
- 3. Houses on both lots will have four-sided architecture.*

**Approved as Stipulated**

\*        **20101049            Denial of Claim**

Denial of claim of Bobby Adkins.  
**Denied**

\*        **20100949            2011 CDBG Program Funding**

Approval of a Resolution authorizing the City's FFY2011CDBG submittal of HUD updated project list.

**Approved on the Consent Agenda**

\*        **20100941            Fiscal Year 2011 Audit**

Motion approving audit services by Moore & Cubbedge for current Fiscal Year 2011.

**Approved on the Consent Agenda**

\*        **20100942            Capital Asset Purchase Plan**

Approval of an Ordinance amending the Fiscal Year 2010 Budget to appropriate and transfer \$860,000 in planned savings from the General Fund to the Citywide Projects Fund for the future purchase of capital assets.

**Approved on the Consent Agenda**

\*      **20100974            Capital Asset Purchases**

Approval of an Ordinance amending the FY2011 Citywide Projects Fund Budget to appropriate \$860,000 of prior year planned savings for purchase of capital assets.

**Approved on the Consent Agenda**

\*      **20100943            Edward Byrne Memorial Justice Assistance Grant**

Approval of an Ordinance amending the Fiscal Year 2011 Grant Fund to receive and appropriate a grant from the Department of Justice for \$53,995 to purchase two police vehicles for uniform patrol.

**Approved on the Consent Agenda**

\*      **20100944            Law Enforcement Grant from Target Stores**

Approval of an Ordinance amending the Fiscal Year 2011 General Fund to receive and appropriate a donation from Target Stores for \$1,000 for public relations events.

**Approved on the Consent Agenda**

\*      **20100968            CA2010-07 Amendment to the Comprehensive Development Code regarding Definition of Terms**

CA2010-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 724.02, Definition of Terms

**Approved on the Consent Agenda**

\*      **20100899            Pocket Park**

Motion to approve the concept to allow the land on the North Loop between Church Street and Cherokee Street to be used as a pocket park.

**Approved on the Consent Agenda**

**20101022            CareHere, LLC Contract**

Motion to approve a contract between the city of Marietta and CareHere, LLC for the establishment of a city of Marietta/BLW medical office.

**Postponed for a Special Called Meeting September 29, 2010**

**20100931            Group Health Plan Administration and City Medical Office**

Motion to approve the renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2011 and to approve the contribution rate structures, including the establishment of a City of Marietta/BLW medical office. In the event the mandated changes made in whole or in part to the city's plan to come into compliance with the 2010 National Health Care Reform Law as passed on February 23, 2010 are found to be unconstitutional or unenforceable, are rescinded, or are repealed or become discretionary, then those portions of the city's plan shall be deleted automatically, rescinded and revoked consistent with such action without any further action of the City Council of the City of Marietta. Further, authority is requested to approve the administrative agreement with Blue Cross/Blue Shield of Georgia, Inc.

**Postponed for a Special Called Meeting September 29, 2010**

**\*        20100950            Historic Preservation Commission Appointments**

Appointment of David Freedman (Ward 2) and Ray Worden (Ward 4) to the Marietta Historic Preservation Commission for a three-year term expiring September 14, 2013.

**Approved on the Consent Agenda**

**\*        20100953            National League of Cities (NLC)**

Motion approving travel expenses for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Denver, CO, November 30 - December 4, 2010.

**Approved on the Consent Agenda**

**20100849            Grass height**

Approval of an Ordinance amending Code Section 7-4-2-110, Sanitary Conditions and Procedures regarding grass height and fines.

**Approved on the Consent Agenda**

**\*        20100922            City Emergency Operations Plan (MEOP)**

Motion approving the Emergency Operations Plan as presented.

**Approved on the Consent Agenda**

\*      **20100935                   Stokes Avenue and Philips Drive**

No Parking Signs - Stokes Avenue

Motion authorizing Public Works to install signs along the following sections of public streets:

No Parking on Street signs along both sides of Stokes Avenue from Lakewood Avenue to Phillips Drive;

No Parking along South Side of Phillips Drive from the western property line of 348 Stokes Avenue to Stokes Avenue;

No Parking along the North Side of Phillips Drive from the western property line of 385 Phillips Drive to Stokes Avenue.

**Approved on the Consent Agenda**

\*      **20100937                   Lockheed Avenue No Parking Zone**

Motion authorizing Public Works to install signs stating "No parking Any Time" along the east frontage of Lockheed Avenue between the driveways to 339 and 351 Lockheed Avenue.

**Approved on the Consent Agenda**

\*      **20100938                   Kennesaw Mountain to Chattahoochee Trail South Section**

Motion to approve the contract with the Georgia Department of Transportation for the purchase of Right of Way for the Kennesaw Mountain to Chattahoochee Trail South Section ROW project.

**Approved on the Consent Agenda**

\*      **20100969                   City Council Resolution - March 2011 SPLOST**

Approval of a Resolution of request for Cobb County to move forward with the March 2011 SPLOST.

**Approved on the Consent Agenda**

**20100927                   Scheduled Appearance - Yousaf Shaikh**

Dorsey Manor

117 Haynes Street, Apt. 420

Speaking relative to Comcast at 217 Cobb Parkway - lack of public restroom facilities

**Not Present**

**20100312      V2010-08 Georgia-Cumberland Association (Marietta Seventh Day Adventist Church) 1440 Field Park Circle**

Motion to Approve V2010-08 [VARIANCE] GEORGIA-CUMBERLAND ASSOCIATION (MARIETTA SEVENTH DAY ADVENTIST CHURCH) variances for property located in Land Lot 08680, District 16, Parcel 0080 and being known as 1440 Field Park Circle. Ward 4.

1. Variance to locate an additional use on a parcel with an existing general advertising/off-premise sign;
2. Variance to reduce the required distance between a general advertising/off-premise sign and a church or school from 500 feet to 204 feet;
3. Variance to reduce the minimum driveway width from 20 feet to 15 feet.

**Denied**

**\*      20100951      V2010-21 First Landmark Bank 307 N. Marietta Parkway**

Motion to Approve V2010-21 [VARIANCE] FIRST LANDMARK BANK request variance for property located in Land Lot 11440, District 16, Parcel 2170 and being known as 307 North Marietta Parkway. Variance to eliminate the required 6-foot privacy fence along the western property line adjacent to 264 Fowler Circle.

Mayor Steve Tumlin has an ownership interest in First Landmark Bank.

**Approved on the Consent Agenda**

**\*      20100959      Preston Chase Demolition**

Motion to approve \$410,643.00 to be allocated from the Park Bond funds for the demolition of the Preston Chase Apartment Complex from the line item 'Development of Parks, Facilities, Trails and Greenspace'.

**Approved on the Consent Agenda**

**\*      20101023      Agreement for Livable Centers Initiative Project**

Motion to approve the Agreement for Livable Centers Initiative Project between Department of Transportation State of Georgia and City of Marietta for the construction of the Roswell Street Streetscapes Phase II.

**Approved on the Consent Agenda**



\*      **20101024                      Cobb County Parking Deck Erection Schedule and Street Closures**

Motion to approve a request from Choate Construction to temporarily close west bound Lawrence Street lanes between Waddell and Haynes Street beginning September 16, 2010 through October 8, 2010 and temporary road closure on Haynes Street between Lawrence Street and Hansell Street beginning October 11, 2010 through December 17, 2010 for the erection of the Cobb County Parking Deck. Public Works is given the discretion to modify the closure dates as necessary.

**Approved on the Consent Agenda**

\*      **20101032                      Condemnation of Property - 591 South Marietta Parkway**

Motion to authorize the acquisition of property owned by Rohrig Investments, L.P. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved on the Consent Agenda**

\*      **20101010                      BLW Actions of September 13, 2010**

Review and approval of the September 13, 2010 actions and minutes of the Marietta Board of Lights and Water.

**Approved on the Consent Agenda**